

Docket No.: IA 1508.01A US
USSN: 09/295,826

PATENT
Art Unit: 3621

REMARKS

Claims 1-20 are pending in the present application.

This Amendment is in response to the Office Action mailed July 17, 2003. In the Office Action, the Examiner rejected claims 1-20 under 35 U.S.C. § 103.

Applicant has amended claims 1 and 11. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

I. FORM PTO-1449

Applicant kindly requests that the Examiner sign and initial a copy of the Forms PTO-1449 as filed on November 14, 2000, June 4, 2002, and January 13, 2003. Copies of the return, date-stamped postcards are also submitted for the Forms PTO-1449 which were submitted by mail. Applicant further requests that a signed and initialed copy of the PTO-1449 forms be returned to Applicant's mailing address to complete Applicant's records.

II. REJECTION UNDER 35 U.S.C. § 103

The Examiner rejected claims 1-6, 8, 10-16, 18, and 20 are rejected under U.S.C. § 103(a) as being unpatentable over Gracernote.com ("Gracernote") in view of U.S. Patent No. 5,825,883 issued to Archibald et al ("Archibald") and in further view of U.S. Patent No. 4,658,093 issued to Hellman ("Hellman"). The Examiner rejected claims 7 and 17 in view of Gracernote and further in view of U.S. Patent No. 6,081,785 issued to Oshima et al ("Oshima"). Applicant respectfully traverses the rejections for the following reasons.

In the Office Action, the Examiner stated that "Hellman discloses combining a logic with the identifier to trigger a transaction for the payment. (Figure 5 – shows billing, also Column 10, lines 33-65 – shows trigger logic)". Figure 5 shows nothing more than an operation of a base unit during generation of a request for

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software use. Column 10, lines 33-65 disclose an implementation of the base unit during use of a software package. It discloses a user is prevented from using software for which he does not have current authorized use. This however, is not the combining of a logic with an identifier to trigger a transaction for a payment where in the logic is information used to report back to an entity.

Applicant maintains his remarks of the last response regarding the disclosures of Gracnote, Archibald, and Oshima. Furthermore, Hellman, Gracnote, Archibald, and Oshima, taken alone or in any combination, do not disclose, suggest, or render obvious the combining of a logic with the identifier to trigger a transaction for a payment, wherein the logic is information used to report back to an entity. This aspect of the invention is support in the specification on page 32 (lines 27-31), page 33 (lines 7-10) and is recited in amended claims 1 and 11.

Therefore, Applicant believes that independent claims 1, 11, and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 103(a) be withdrawn.

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CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectfully submitted,

DISCOVISION ASSOCIATES

Dated: September 17, 2003


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